

State of Rhode Island and Providence Plantations

Journal of the Senate

JANUARY SESSION of the General Assembly begun and held at the State House in the City of Providence on Tuesday, the fourth day of January in the year of Our Lord two thousand and five.

Volume 132, No. 29

Tuesday, March 22, 2005

Twenty-ninth Day

The Senate meets pursuant to adjournment and is called to order by the Honorable Joseph A. Montalbano, President of the Senate, at 4:22 o'clock P.M.

The roll is called and a quorum is declared present with 37 Senators present and 1 Senator absent as follows:

PRESENT – 37: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisen, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

ABSENT – 1: Senator DaPonte

INVOCATION

The Honorable President, by unanimous consent, presents Senator Tassoni, to deliver the invocation.

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

The Honorable President, by unanimous consent, presents Senator Tassoni to lead the Senate in the pledge of allegiance to the flag.

APPROVAL OF RECORD

The Senate Journal of Thursday, March 17, 2005 proceedings is read in part.

Upon suggestion of Senator Tassoni, and by unanimous consent, further reading of the Journal is dispensed with and the Journal approved as recorded.

GUESTS

Upon suggestion of Senator Gibbs and by unanimous consent, the Honorable President welcomes to the Chamber Jenna Rowles of Smithfield, a freshman at Salve Regina University.

APPOINTMENTS BY THE GOVERNOR

The Honorable President presents the following communications from His Excellency, the Governor, transmitting the following appointments and requesting the advice and consent of the Senate thereto:

March 10, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-102-2 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Human Resource Investment Council:

Mario Bueno of Cranston
(Representing Community Based Organization)

VICE
Deborah A. Smith

for a term expiring January 1, 2007.

To this appointment, I request your advice and consent.

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Financial Services, Technology and Regulatory Issues.

Also:

March 14, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-102-2 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Human Resource Investment Council:

Lorna Ricci of Warwick

(Representing Small Employer Specializing in Employing the Disabled)

VICE
Karla Driscoll

for a term expiring January 1, 2008.

To this appointment, I request your advice and consent.

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Financial Services, Technology and Regulatory Issues.

Also:

March 14, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-102-2 of the Rhode Island General Laws, I have made the following appointment as Chairman to the Rhode Island Human Resource Investment Council:

Joseph J. MarcAurele of Warwick

VICE
Raymond P. Rainville
(deceased)

for a term expiring January 1, 2008.

To this appointment, I request your advice and consent.

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Financial Services, Technology and Regulatory Issues.

Also:

March 11, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 16-60-2 of the Rhode Island General Laws, I have made the following appointment to the Board of Regents for Elementary and Secondary Education:

Michael A. Plater of Barrington

VICE
The Honorable Paul Crowley

for a term expiring January 31, 2008.

To this appointment, I respectfully request your advice and consent.

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Education.

Also:

March 11, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 16-60-2 of the Rhode Island General Laws, I have made the following appointment to the Board of Regents for Elementary and Secondary Education:

Philip Rivers of Providence

VICE
The Honorable Hanna Gallo

for a term expiring January 31, 2008.

To this appointment, I respectfully request your advice and consent.

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Education.

Also:

March 18, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 45-53-7 of the Rhode Island General Laws, I have made the following appointment to the State Housing Appeals Board:

Mary B. Shekarchi, Esquire of Warwick
(Attorney knowledgeable in land use regulation)

for a term expiring January 1, 2008.

To this appointment, I request your advice and consent.

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Judiciary.

Also:

March 18, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 45-53-7 of the Rhode Island General Laws, I have made the following appointment to the State Housing Appeals Board:

Cynthia Fagan of Coventry

(Representing Planning Board Member – over 25,000 in population)

for a term expiring January 1, 2008.

To this appointment, I request your advice and consent.

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Judiciary.

Also:

March 21, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-128-6 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Housing Resources Act:

Kavah Hajianbahmani of Providence

(Representative of the Homeless)

VICE

Judith Thompson

for a term expiring January 31, 2007.

To this appointment, I respectfully request your advice and consent.

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Commerce, Housing and Municipal Government.

Also:

March 21, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-128-6 of the Rhode Island General Laws, I have made the following reappointment to the Rhode Island Housing Resources Commission:

Dennis Langley of East Greenwich
(Representative of Agency Advocating for Racial Minorities)

for a term expiring January 31, 2007.

To this reappointment, I respectfully request your advice and consent.

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Commerce, Housing and Municipal Government.

REPORTS OF COMMITTEES

COMMITTEE ON EDUCATION

Senator Issa, from the Committee on Education, reports back, with recommendation of passage of the following measure:

Senate Bill No. 32

BY Senator Issa

ENTITLED, AN ACT RELATING TO EDUCATION -- SCHOOL FOR THE DEAF (board of trustees to have 1 member who is a parent, grandparent, or guardian of a visually impaired student)

Read and ordered to be placed on the Calendar

COMMITTEE ON GOVERNMENT OVERSIGHT

Senator Lenihan, from the Committee on Government Oversight, reports back, with recommendation of passage of the following measures:

Senate Bill No. 967

BY Senator Lenihan

ENTITLED, AN ACT RELATING TO SEPARATION OF POWERS (abolish several boards and commissions).

Read and ordered to be placed on the Calendar

Also:

House Bill No. 5817 as amended

BY Coderre E, Ginaitt, Kilmartin, Crowley, Lima

ENTITLED, AN ACT RELATING TO SEPARATION OF POWERS (abolish several boards and commissions).

Read and ordered to be placed on the Calendar

NEW BUSINESS

Senate Bill No. 971

BY Senators Montalbano J, Paiva-Weed, McCaffrey, Algieri

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES.

Read and referred to the Committee on Judiciary.

CONSENT CALENDAR

In order for the day is taken up as follows:

Upon motion of Senate Majority Leader Paiva Weed, seconded by Senator Algieri, the following measure on today's Consent Calendar, by unanimous consent, is read and passed, upon a voice vote:

Reappointment of Ellen L. Jordan (Representing General Public) of North Kingstown to the Rhode Island State Labor Relations Board for a term expiring August 1, 2008.

CALENDAR

IN ORDER FOR TUESDAY, MARCH 22, 2005:

1 2005-S 256**BY Fogarty P****ENTITLED,** AN ACT RELATING TO TOWNS AND CITIES -- ECHO LAKE
WATER DISTRICT

Committee on Commerce, Housing & Municipal Government recommends passage.

Senator Fogarty moves passage, seconded by Senators Gallo, Tassoni and Levesque.

The act is read and passed, by unanimous consent, upon a roll call vote with 35 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 35: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McBurney, McCaffrey, Paiva Weed, Perry, Pichardo, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

2 2005-S 496**BY Tassoni****ENTITLED,** AN ACT RELATING TO BUSINESSES AND PROFESSIONS --
CONTRACTOR'S REGISTRATION

Committee on Commerce, Housing & Municipal Government recommends passage.

Upon suggestion of Senator Ruggerio, and without objection ordered to be recommitted to the committee on Commerce, Housing and Municipal Government.

3 2005-S 860**BY Breene****ENTITLED,** AN ACT RELATING TO PROPERTY SUBJECT TO TAXATION --
EXETER

Committee on Commerce, Housing & Municipal Government recommends passage.

Senator Breene moves passage, seconded by Senators Blais and Algieri.

The act is read and passed, by unanimous consent, upon a roll call vote with 33 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 33: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Ciccone, Connors, Cote, Damiani, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi,

Lenihan, McBurney, McCaffrey, Paiva Weed, Perry, Pichardo, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

4 2005-S 888

BY Fogarty P

ENTITLED, AN ACT RELATING TO RHODE ISLAND UNIFORM COMMERCIAL DRIVERS' LICENSE ACT

Committee on Commerce, Housing & Municipal Government recommends passage.

Senator Fogarty moves passage, seconded by Senators Tassoni, Gallo and Breene.

The act is read and passed, by unanimous consent, upon a roll call vote with 33 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 33: The Honorable President Montalbano and Senators Algieri, Badeau, Bates, Blais, Breene, Ciccone, Connors, Cote, Damiani, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McBurney, McCaffrey, Paiva Weed, Perry, Pichardo, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

5 2005-S 39 SUB A as amended

BY Bates

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT

Committee on Financial, Technology, Regulatory recommends indefinite postponement of the original bill and passage of Substitute A as amended.

Senator Bates moves passage, seconded by Senators Gallo, Walaska, Felag, Algieri, Sosnowski, Perry, Roberts, Sheehan and many others.

The bill marked Substitute "A" is read and passed, as amended, and the original bill indefinitely postponed, by unanimous consent, upon roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 36: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

6 2005-S 330**BY Algieri****ENTITLED, AN ACT RELATING TO STATE AUDITS -- INTERNET POSTING**

Committee on Financial, Technology, Regulatory recommends passage.

Senator Algieri moves passage, seconded by Senators Walaska and Blais.

The act is read and passed, by unanimous consent, upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 36: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Upon suggestion of Senator Ruggerio, and without objection, the remainder of the Calendar is deferred to tomorrow.

REPORTS OF COMMITTEES**TRANSFER OF BILLS**

Senator Caprio, for the Committee on Commerce, Housing and Municipal Government, reports back the following measure, with recommendation of transfer to the Committee on Financial Services, Technology and Regulatory Issues.

Senate Bill No. 951**BY Senator DaPonte****ENTITLED, AN ACT RELATING TO MOTOR VEHICLES - INSPECTIONS (mandate that motor vehicle inspection facilities have in place a garage keeper's legal liability insurance policy).**

Read and referred to the Committee on Financial Services, Technology and Regulatory Issues.

ANNOUNCEMENTS

Senator Felag announces that the Committee on Finance will meet today, at the rise of the Senate, in Room 211 of the State House.

Senator Bates announces that the Committee on Financial Services, Technology and Regulatory Issues will meet today, at the rise of the Senate, in the Senate Lounge of the State House.

Senator Raptakis announces that the Committee on Judiciary will meet today, at the rise of the Senate, in Room 313 of the State House.

Senator Goodwin announces that the Committee on Constitutional and Gaming Issues will meet on Wednesday, March 23, 2005, at the rise of the Senate, in Room 211 of the State House.

Senator Ciccone announces that the Committee on Labor will meet on Wednesday, March 23, 2005, at 3:00 o'clock P.M. in Room 212 of the State House.

TRANSMITTAL

By unanimous consent, all matters on the Clerk's desk are ordered to be transmitted to His Excellency, the Governor or to the Honorable House of Representatives forthwith.

ADJOURNMENT

Upon motion of Senator Ruggiero, seconded by Senator Algieri, the Senate adjourns at 4:38 o'clock P.M.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

INVOCATION

SENATOR JOHN J. TASSONI, JR.

Dear God, please grant us the wisdom to be aware of the vital needs of the people we are here to serve. Please grant us the courage to meet those needs to the fullest extent of our ability. Amen.

Appendix**IN ORDER FOR WEDNESDAY, MARCH 23, 2005:****1 2005-S 414****BY Doyle****ENTITLED,** AN ACT RELATING TO MOTOR AND OTHER VEHICLES --
CERTIFICATES OF TITLE AND SECURITY INTERESTS

Committee on Financial, Technology, Regulatory recommends passage.

2 2005-S 106**BY Felag****ENTITLED,** AN ACT RELATING TO ELECTIONS -- LOCAL CANVASSING
AUTHORITY

Committee on Judiciary recommends passage.

3 2005-S 213**BY Badeau****ENTITLED,** AN ACT RELATING TO CRIMINAL OFFENSES - CHILDREN

Committee on Judiciary recommends passage.

4 2005-S 345**BY Ciccone****ENTITLED,** AN ACT RELATING TO LABOR - PRIVACY PROTECTION

Committee on Judiciary recommends passage.

5 2005-S 439**BY McCaffrey****ENTITLED,** AN ACT RELATING TO ASSAULTS

Committee on Judiciary recommends passage.

6 2005-S 713**BY Blais****ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY -- UNIFORM
ANATOMICAL GIFT ACT

Committee on Judiciary recommends passage.

7 2005-S 109**BY Raptakis****ENTITLED,** AN ACT RELATING TO CRIMINAL OFFENSES -- CHILDREN

Committee on Judiciary recommends passage.

8 2005-S 156

BY Connors

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES -- LAW PRACTICE

Committee on Judiciary recommends passage.

9 2005-S 581

BY McCaffrey

ENTITLED, AN ACT RELATING TO ELECTIONS -- NOMINATION PAPERS

Committee on Judiciary recommends passage.

10 2005-S 129

BY Lanzi

ENTITLED, AN ACT RELATING TO FIREFIGHTERS' ARBITRATION

Committee on Labor recommends passage.

11 2005-S 633

BY Ruggiero

ENTITLED, AN ACT RELATING TO CAUSES OF ACTION

Committee on Labor recommends passage.

12 2005-S 640

BY Ruggiero

**ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS --
ELECTRICIANS**

Committee on Labor recommends passage.

13 2005-S 641

BY Ruggiero

**ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS --
ELECTRICIANS**

Committee on Labor recommends passage.

IN ORDER FOR TUESDAY, MARCH 29, 2005:

1 2005-S 32

BY Issa

ENTITLED, AN ACT RELATING TO EDUCATION -- SCHOOL FOR THE DEAF

Committee on Education recommends passage.

2 2005-S 967

BY Lenihan

ENTITLED, AN ACT RELATING TO SEPARATION OF POWERS

Committee on Government Oversight recommends passage.

3 2005-H 5817 as amended

BY Coderre E

ENTITLED, AN ACT RELATING TO SEPARATION OF POWERS

Committee on Government Oversight recommends passage as amended in concurrence.

IN ORDER FOR THURSDAY, MARCH 31, 2005:

1 2005-S 133

BY Blais

**ENTITLED, AN ACT RELATING TO MILITARY SERVICE -- ACTIVE DUTY
TAX EXEMPTION**

Committee on Commerce, Housing & Municipal Government recommends passage.

Tuesday, March 22, 2005